

07 CV 10976

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ULDERICO CALERO,

Civil No. _____

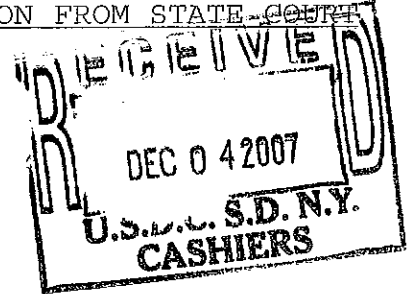
Plaintiff,

-against-

ELRAC, INC., d/b/a ENTERPRISE-RENT-A-CAR, and JESSICA ORTIZ,

Defendants.
-----X

NOTICE TO
FEDERAL COURT
OF REMOVAL OF CIVIL
ACTION FROM STATE COURT



TO: THE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants, ELRAC, INC., d/b/a ENTERPRISE RENT-A-CAR and
JESSICA ORTIZ, by their attorneys, BRAND GLICK & BRAND, P.C.,
respectfully represent as follows:

1. On or about November 1, 2007, the plaintiff commenced
an action supported by a Complaint, entitled Ulderico Calero v.
Elrac, Inc. d/b/a Enterprise Rent-A-Car, and Jessica Ortiz in the
New York State Supreme Court, County of Bronx, Index
No.:302597/07. A true and correct copy of the Complaint is
annexed hereto as Exhibit "A".

2. On or about November 8, 2008, JESSICA ORTIZ was served
with a copy of the Summons and Complaint via service upon the
Secretary of State. It is not know whether ELRAC, INC., received
notice of same.

3. The above-entitled State Court action is one in which
this Court has original jurisdiction under the provisions of 28
U.S.C. §1332, and is one which may be removed pursuant to the
provisions of 28 U.S.C. §1441, in that it is a civil action,

wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

4. As set forth in the Complaint, the plaintiff brings a claim for both personal injuries and other related damages allegedly caused by the negligence of the defendants in a motor vehicle accident that occurred in Bronx County, State of New York. Plaintiff's complaint does not allege a specific monetary amount. However, the plaintiff alleges to have undergone surgery as a result of the accident. Therefore, upon information and belief, the damages claimed by the plaintiff are more than \$75,000.00.

5. As alleged in the Complaint, plaintiff resides in Bronx County. Defendant JESSICA ORTIZ resides in Union, New Jersey. Defendant ELRAC, INC., is incorporated in Hackensack, New Jersey; its principal place of business is there, as well.

6. It is clear then, that diversity of citizenship is established.

7. This Petition for removal is being filed within thirty (30) days after service of the Summons and Complaint upon defendants, and it is therefore timely filed under 28 U.S.C. §1446(b).


WHEREFORE, defendants pray that the above action now pending against them in the Supreme Court of the State of New York, County of Bronx be removed therefrom to this Court.

DATED: Garden City, New York
November 28, 2007

ELRAC, INC., and JESSICA ORTIZ
By their attorneys:

BRAND GLICK & BRAND, P.C.

By:


ROBERT S. MAZZUCHIN
600 Old Country Road, Ste. 440
Garden City, New York 11530
(516) 746-3500
Our File No. : 29-5233

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ULDERICO CALERO,

Plaintiff,
-against-

ELRAC, INC., d/b/a ENTERPRISE-RENT-A-CAR,
and JESSICA ORTIZ,

Defendants.

-----X

NOTICE TO
STATE COURT
OF REMOVAL OF CIVIL
ACTION TO FEDERAL
COURT

Index No.: 302597/07

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE, that defendants, ELRAC, INC., d/b/a ENTERPRISE RENT-A-CAR and JESSICA ORTIZ, on November ____, 2007, filed in the United States District Court, Southern District of New York, a Notice to Federal Court of Removal of Civil Action from State Court. A copy of this Notice of Removal is annexed hereto.

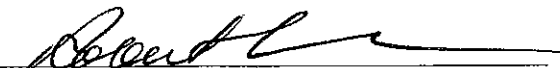
PLEASE TAKE FURTHER NOTICE, that by the filing of said Notice of Removal, and by the filing of this Notice to State Court herein and a copy of same in the Federal Court, the above-entitled action has been removed from this Court to the United States District Court, Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1446, and this Court may proceed no further unless and until the case is remanded.

DATED: Garden City, New York
November 28, 2007

ELRAC, INC., and JESSICA ORTIZ
By their attorneys:

BRAND GLICK & BRAND, P.C.

By:


ROBERT S. MAZZUCHIN
600 Old Country Road, Ste. 440
Garden City, New York 11530
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Our File No. : 29-5233

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ULDERICO CALERO,

Plaintiff,

-against-

ELRAC, INC., d/b/a ENTERPRISE-RENT-A-CAR,
and JESSICA ORTIZ,

Defendants.

-----X

Civil No. _____

NOTICE TO PLAINTIFF'S
COUNSEL OF FILING
OF NOTICE OF REMOVAL

TO: Mark T. Freeley, Esq.
Attorneys for Plaintiff, Ulderico Calero
144 Woodbury Road
Woodbury, New York 11797
516-746-8100

PLEASE TAKE NOTICE, that defendants, have this day filed in the United States District Court for the Southern District of New York a Notice of Removal of the above-entitled action from the Supreme Court, County of Bronx, State of New York to the United States District Court, pursuant to 28 U.S.C. §§1441 and 1446.

DATED: Garden City, New York
November 28, 2007

ELRAC, INC., and JESSICA ORTIZ
By their attorneys:

BRAND GLICK & BRAND, P.C.

By: 

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